

Lambda Letters Project

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and Cultural Exchange
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On Being Heard

by Boyce Hinman, Chief Lobbyist

A friend of mine is hard of hearing. He wears two hearing aids, but still has trouble hearing. The problem is worst when we go to places with lots of background noise, like restaurants. When I talk, what I say blends into the background noise and he can't hear me. In such situations, I have to speak loudly and repeat myself frequently in order to be heard. This year, the state legislature will be much the same. When we in the lesbian, gay, bisexual, and transgender community speak to our legislators, we're always working against the drumbeat of opposition from those who oppose full recognition of our rights.

This year is even worse than usual. Our legislators will be greatly distracted by the energy crisis and their need to do something about it. We will have to speak loudly, and repeat ourselves often, until our legislators get the message and do the right thing.

The purpose of this article is to tell you of the many tools provided by Lambda Letters that can help you get your message across to your legislators. We hope you will use these tools early and often.

You know the real problems you face each day. **If you experience discrimination because of your sexual orientation, sex, or race and ethnicity,**

Continued on page 8

In This Issue...

Women's Issue	3
HIV/AIDS Issue	3
LGBT Issue.....	4
People of Color Issue	4
February Legislative Update	5-8
On Being Heard	1, 8-9
Army Drops Discharge of Gay Reservist	1, 9

Army Drops Discharge of Gay Reservist

**Republican Arizona Legislator Steve May
Will Serve Until May, 2001**

The following article was provided to us by the Servicemembers Legal Defense Network:

WASHINGTON, DC—The Army announced yesterday [Jan. 15, 2001] it will not pursue its planned discharge of Lieutenant Steve May for alleged violations of "Don't Ask, Don't Tell, Don't Pursue, Don't Harass." May will continue to serve in the Army reserves until May 11, 2001, when his two-year obligation is complete.

"It is gratifying that the Army decided to drop the case," May said. "I have always served my country with honor, integrity, and loyalty, and it hurt me deeply that the Army would try to fire me—not for anything I did in the Army, but for who I am and for doing my legislator's job. I didn't ask to go back into the Army, but when called, I reported for duty and did my job there. My sexual orientation and my statements about my sexual orientation have never interfered with my

Continued on page 9

Lambda Letters Progress Report

Messages Collected

November, 2000	1,863 letters & e-mails
In all of 2000	120,188 letters & e-mails

Dollars Spent

December, 2000	\$3,507
In all of 2000	\$25,216

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in American society.

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The Lambda Letters Project does not sell or loan its mailing list to anyone. We give no information about who is, or is not, a member of the Project. We do, occasionally, send mailings on behalf of other worthwhile organizations, but this is done by our own volunteers so that no other organization has the opportunity to copy our mailing lists.

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If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212.

The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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Stop Elder Abuse

by Adrienne Lauby

People 85 years of age or older are the fastest growing segment of California's population. By 2020, the number of Californians over 60 years of age will grow from the current 4.9 million to 9 million. Many of these elders depend on others to meet their most basic needs, and many prefer to stay at home so they can live independent, noninstitutional lives.

The abuse of elders by in-home workers is a growing problem which, if not stemmed, will increase exponentially in the next two decades. Women, who generally live longer than men and have less financial resources in their final years, are especially vulnerable to this kind of abuse.

Even elders who are relatively well-to-do and able to offer a living wage to in-home workers are often abused due to their fragility. This abuse includes physical, financial, and psychological violations.

At this time there is no requirement for background checks or training of in-home support workers. Senator Martha Escutia (D-Montebello), Chair of the Health and Human Services Committee, has introduced SB 70, "In-Home Care Workers for the Elderly," to provide legislative remedies to this problem.

Senator Escutia has also introduced SB 59, "Healthy Families Program Demonstration Projects," which would improve California's current five "Healthy Family" demonstration projects that operate in rural areas and principally serve migrant families. SB 59 would expand this program to fund demonstration projects for immigrants, homeless individuals, people living with HIV/AIDS, and other groups currently facing health disparities. At least one project would address barriers to health care such as translation or interpretation services, child care, case management, mobile services, and eligibility assistance.

Women, so often charged with the health of children and elderly family members in addition to their own health needs, will particularly benefit from this expansion of a program that has already shown positive results.

This pair of bills will positively affect the health of our communities. We applaud Senator Martha Escutia for her early introduction of these issues in the 2001 legislative session. ###

Governor's Mixed Budget

by Marty Martinez, AIDS Project East Bay

In January, Governor Gray Davis released a preliminary budget for the 2001-2002 fiscal year, which outlined his spending priorities. The total budget amounts to over \$104 billion, with projections of a \$7 billion surplus.

The governor's budget essentially keeps current HIV and AIDS programs at existing levels. The budget includes increasing state expenditures for the AIDS Drug Assistance Program (ADAP)—which helps poor and middle-income people to purchase HIV medications—by about \$4 million. This added money comes from federal sources. The increase in ADAP funding is necessary because more and more people are enrolling in the program as the number of new HIV infections rise and those already infected live longer; and because of other price increases.

HIV advocates believe, however, that this increase in ADAP funding will not fully compensate for increases in the program's cost, and that the governor needs to increase the funding more substantially in his next budget estimate, which comes out in May. At this point, additional federal sources of money for the program will be unavailable and the governor will have to fully fund ADAP either by cutting back on other HIV programs or by increasing the state's total commitment to HIV programs.

In addition, there are many other HIV needs that are not addressed by the governor's proposed budget. The enclosed letter, addressed to Governor Davis, thanks him for his support of the ADAP but urges that further increases to the program not be made on the back of other vital HIV-related programs. In addition, the letter urges him to consider new funding for HIV programs, such as those that expand prevention efforts targeting HIV-positive individuals and treat substance use among gay and bisexual men, including new ones that address the needs in communities of color, which are hard-hit by HIV, and to increase total prevention and treatments efforts across the state.

###

The Big Chill

by Boyce Hinman, Chief Lobbyist

Governor Davis' treatment of lesbian, gay, bisexual, and transgendered (LGBT) bills last year, may be having a chilling effect on legislators this year. By mid-January, only one bill of specific importance to the LGBT community—AB 25, "Domestic Partnerships," introduced by Carole Migden (D-San Francisco)—has been introduced.

Last year the governor vetoed all domestic-partner bills that reached his desk. He even vetoed one about heterosexual domestic partners. His opposition to these bills effectively killed any other domestic-partner bills in the legislature.

The governor also vetoed a simple transgender rights bill. Its purpose was to clarify the process used by the courts when granting recognition of the change of sex of a postoperative transsexual. The courts already grant official recognition of sex changes. So the bill broke no new ground. But the governor vetoed it anyway, probably because he saw it as another "gay bill."

Governor Davis did sign one minor gay rights bill last year. That bill prohibits the exclusion of people from juries because of their sexual orientation.

Does the lack of LGBT bills this year result from legislators concentrating on the energy crisis? As of mid-January, state legislators have introduced a total of 245 bills and resolutions. The energy crisis is not the reason for the lack of LGBT bills.

Governor Davis has received a lot of support from the LGBT community. Last year the Stonewall Gay and Lesbian Democratic Club of Los Angeles gave him an award for what they called "outstanding service to the LGBT community." Many members of the community supported his election as governor with money and volunteer efforts. In light of these facts, the governor's record has been, at least, very disappointing.

One domestic partner bill has been introduced this year in the state legislature. We also expect two transgender civil rights bills to be introduced. Please write to Governor Davis. Urge him to support these bills and to make sure that legislators know that he supports them.

###

Support Community-Based Drug and Treatment Centers

by Marty Martinez

Minority populations are hard-hit by alcohol and drug abuse. Even when treatment is available in minority communities, often the treatment centers are under-funded and lack decent infrastructures, access to technological equipment, and administrative staff—not to mention professional-level services provided by attorneys, accountants, and fund-raisers.

Community-based organizations provide many of the substance treatment services that are available in communities of color, and all of these deficiencies in infrastructure strongly impact the quality of substance abuse care and treatment provided in those communities.

The ability of community-based organizations to network with each other, gain access to technical assistance and capital, and generally improve their infrastructure is vital to their long-term ability to accomplish their mission. As more and more people require substance treatment, this problem will grow.

AB 48, "Minority Alcohol and Drug Integrated Treatment," by Assemblymember Carl Washington (D-Compton), seeks to address this growing problem. This bill would establish a pilot program to provide grants to networks of community-based organizations, providing substance abuse treatment with the goal of providing technical assistance and enhancing their infrastructure.

This pilot program will particularly target communities of color. It will gather data on the success of the grants program in improving the ability of the community-based organizations to accomplish their respective missions, and will hopefully lead to a more stable program of grant-giving down the road.

Please sign and send the enclosed letter to your local assemblymember in support of this bill.

###

February Legislative Update

You may be disappointed by the fact that we have only one LGBT bill in the following list. This lack of bills may be explained by the fact that legislators are apparently busy dealing with the statewide energy crisis. It may also be the result of Governor Davis' opposition, last year, to most gay-rights and domestic-partner legislation. Legislators may feel it is useless to introduce such bills this year.

January begins a new two-year session of the California Legislature. Any legislation that did not pass and get signed by the governor last year is now dead. New bills must be introduced by no later than February 23. However, all bills to be introduced must be submitted to the Legislative Counsel's office no later than January 26. The Legislative Counsel's office creates the actual wording for each bill.

Here is a list of the bills we have found so far, which relate to our four issue areas.

AIDS/HIV Issues

AB 42 (Howard Wayne, D–San Diego)

Purpose: To require that, under certain circumstances, insurers pay for routine medical care when a person is involved in clinical trials of a new medicine or other therapy.

Status: Introduced.

LLP Position: Support.

SB 37 (Jackie Speier, D–San Mateo)

Purpose: To require health care service plans and certain disability insurers to provide coverage for all health care services related to the treatment of an enrollee or insured in a clinical trial meeting specified requirements.

Status: Introduced. Assigned to Senate Insurance Committee. No hearing date set yet.

LLP Position: Support

Lesbian/Gay/Bisexual/Transgender Issues

AB 25 (Carole Migden, D–San Francisco)

Purpose: To allow opposite-gender senior citizen couples to register as domestic partners if one of them is over 62 (currently both must be over 62); allow people to make medical decisions for their partners

under certain circumstances; require certain insurers to offer domestic partner coverage in their group health or disability plans; require many employers to allow employees time off to care for a sick domestic partner; require that a domestic partner be given preference when conservatorship is being considered for a person; add domestic partners to the statutory will form; remove the income tax liability for employer-provided domestic partner health insurance; allow people to receive unemployment insurance, under certain circumstances, when they quit a job to follow a domestic partner. The bill does not reverse the feature of AB 26 (passed in 1999) that allows state and local governments to offer health insurance to the domestic partners of their retirees, but which terminates the insurance for the partner if the retiree dies first.

Status: Introduced.

LLP Position: Support, but urge reversal of the above feature of AB 26 so that survivors of retirees can continue receiving health insurance.

AB?? (John Longville, D–San Bernardino)

Purpose: To clarify the process to be used by California courts when certain postoperative transsexuals request legal recognition of their new sex.

Status: Will be introduced soon.

LLP Position: Support. Lambda Letters is the bill's sponsor.

People of Color Issues

AB 5 (Thomas Calderon, D–Montebello)

Purpose: To prohibit an insurer from taking into account the credit rating of an insured or potential insured for the purpose of determining the rate to be charged for an insurance policy.

Status: Introduced.

LLP Position: Support.

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Legislative Update

Continued from page 5

AB 14 (Jackie Goldberg, D–Los Angeles)

Purpose: To require the State Board of Education to develop a mechanism for approval of local school districts' requests for school construction grants that give priority to districts with severe overcrowding, that bus many students to other districts because of a lack of classroom space, or that have multitrack, year-round education programs.

Status: Introduced.

LLP Position: Support.

AB 32 (Keith Richman, R–Chatsworth)

Purpose: This bill would create the Cal-Health Program to be administered by the Managed Risk Medical Insurance Board. Under the program the board would contract with health care service plans and disability insurers to provide a range of health care coverage options, including a standard uniform benefits package that would be available for purchase at subsidized rates by persons with limited incomes. This bill would require health care service plans and disability insurers to offer the standard uniform benefit package and also to offer a catastrophic high-deductible health care plan.

Status: Introduced.

LLP Position: Support.

AB 39 (Helen Thomson, D–Woodland)

Purpose: To allow, under certain circumstances, a tax credit to small employers who pay all or part of the cost of health insurance for their employees.

Status: Introduced.

LLP Position: Support.

AB 51 (Kevin Shelley, D–San Francisco)

Purpose: To make a statement regarding the intent of the Legislature to enact legislation that would establish a comprehensive program to identify and abate sources of lead exposure in the state's schools to ensure that all lead hazards in all public schools in the state be identified and mitigated as quickly as possible. Most of the worst schools with lead-based paint are in poorer ethnic neighborhoods.

Status: Introduced.

LLP Position: Support.

AB 59 (Gil Cedillo, D–Los Angeles)

Purpose: To expand eligibility of children in low-income families for health insurance coverage through the Healthy Families Program. Children are eligible if they receive food stamps or participate in either the California Special Supplemental Food Program for Women, Infants, and Children; Head Start; or the federal school lunch program. The bill requires new procedures to encourage enrollment in the Healthy Families Program.

Status: Introduced.

LLP Position: Support

AB 90 (Lynne Leach, R–Walnut Creek)

Purpose: To appropriate \$400 million from the General Fund to the State Department of Education for allocation to school districts whose base revenue limit per unit of average daily attendance is less than the prior fiscal year's statewide average base revenue limit for districts of the same size and type. (This amount was the result of a 2000 report prepared by the Legislative Analyst's Office.) This bill would probably help the poorer school districts which often are mainly minority districts.

Status: Introduced.

LLP Position: Support

Continued on page 7

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Send your request with a stamped, self-addressed envelope and we'll send you a complete list of your elected officials. Or go to www.lambdaletters.org to find out who represents you.

Legislative Update

Continued from page 6

SB 5 (Tom Torlakson, D-Antioch)

Purpose: For FY 2001–02, to require each county superintendent of schools, in conjunction with the Superintendent of Public Instruction, to compute an equalization adjustment for each school district in the county so that no district's 2000–01 base revenue limit per unit of average daily attendance is less than the 2000–01 fiscal year statewide average base revenue limit for the appropriate size and type of district. (Existing law requires each county superintendent of schools to make specified calculations to determine a base revenue limit for each school district in the county.) This bill would appropriate \$153,000,000 to the Superintendent of Public Instruction for the purpose of implementing the equalization adjustment. This should help poor, often mainly minority school districts to get more money to spend on educating their students.

Status: Introduced. Assigned to Senate Education Committee. No hearing date set yet.

LLP Position: Support

SB 21 (Martha Escutia, D-Norwalk)

Purpose: To make a statement regarding the intent of the Legislature to enact legislation to ensure that all lead hazards in all public schools in the state be identified and mitigated as quickly as possible.

Status: Introduced.

LLP Position: Support.

SB 30 (Wesley Chesbro, D-Arcata)

Purpose: To require the State Department of Mental Health, the Department of Finance, and the office of the Legislative Analyst to form a workgroup to study various options to restructure mental health services and funding in California; and to require the workgroup to make recommendations to the Legislature and the governor on or before January 31, 2002. People of color certainly have no more mental health problems than anyone else. However, they are among the most uninsured in the state, and whatever insurance is available often has little or no mental health coverage.

Status: Referred to the Senate Health and Human Service Committee. No hearing date set yet.

LLP Position: Support

SB 41 (Deirdre Alpert: D-San Diego)

Purpose: To require the State Department of Education to request proposals for the development of model curricula—aligned with state content standards—on California Native American history, culture, and tribal sovereignty to be incorporated into educational materials for pupils in grades 1 to 12, inclusive; and to appropriate \$100,000 from the General Fund to the department for these purpose.

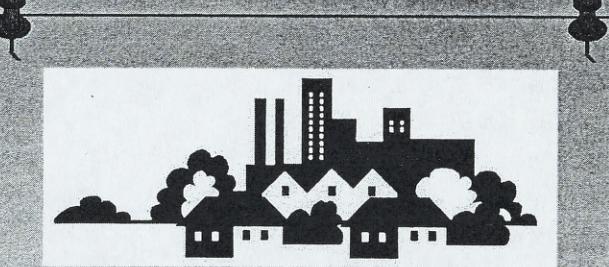
Status: Introduced. Assigned to the Senate Education Committee. No hearing date set yet.

LLP Position: Support.

SB 59 (Martha Escutia, D-Norwalk)

Purpose: To authorize demonstration projects to allow health care coverage for immigrants, homeless individuals, people living with HIV/AIDS, and other populations currently facing health disparities. The bill would authorize grants to health care providers and community-based clinics to organize into formalized networks that provide health care services to migrant populations as they move through the state during the year. The bill

Continued on page 8



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Legislative Update

Continued from page 7

would authorize grants to establish demonstration projects that would assist health care providers in developing enabling programs, making the targeted groups aware of the health care programs available to them.

Status: Double referred to Senate Committee on Insurance and the Senate Committee on Health and Human Services. No hearing dates set yet.

LLP Position: Support

Women's Issues

AB 4 (Patricia Bates, R—Laguna Nigel)

Purpose: To require people convicted of certain sex offenses to register with the campus chief of police and with the local chief of police or the sheriff whenever they enroll in any university, college, or community college, for the rest of their lives.

Status: Introduced.

LLP Position: Support, while expressing concern about requiring lifelong registration.

AB 6 (Tony Cardenas, D—Mission Hills)

Purpose: To permit schools to establish before- and after-school enrichment programs for children, and establish maximum grants for these programs.

Status: Introduced.

LLP Position: Support.

###



Deborah A. Brooks

Certified Public Accountant



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On Being Heard

Continued from page 1

there are already remedies available to you.

California law prohibits these forms of discrimination. The law also prohibits discrimination because of age (over 40), ancestry, color, creed, disability, marital status, medical condition, national origin, or religion. If you experience employment, housing, or public accommodations discrimination on any of those bases, you can submit a complaint to the Department of Fair Employment and Housing. Page 2 of every newsletter lists the toll-free numbers you can call to submit a complaint.

Some problems are not yet remedied by law.

In such cases, LLP may be able to get a bill introduced to deal with the problem. For example, last year a transgendered attorney asked us for a bill to clarify the court procedures for the recognition of a transsexual's new sex. We did get a bill on this topic introduced. The bill was passed by the legislature and sent to the governor. Unfortunately he vetoed it. *We weren't speaking loudly enough for him to get the message.* We also got a bill introduced last year to ban employment, housing, and public accommodations discrimination against transgendered people. It was approved by the Assembly but died in the Senate. We will try again with both bills this year.

Sometimes a bill to deal with your problem is currently in the legislature. To find out, check the always-updated Legislative Update on page 5, which includes information about all the bills that we know of relating to our four issue areas. For the most current information on these bills, check out our online list at www.lambdaletters.org. (Click on the Legislative Update button to see it.) This list is updated twice a month. You can also see a copy of any bill on this list. Just click on the bill number and scroll down to the words "Bill Text." Just below that, you will find a list of the versions of the bill. The first one on the list is the most recent version. Click on "HTML" to see a copy of the bill.

We want you to **call and write your legislators to let them know how you feel about these bills.**

Each month we send you sample letters in the mail. It is important for you to read them as soon as you get them. Please sign and quickly return the ones with which you agree to Lambda Letters. Or compose your own letters. It is important that you *return the letters*

Continued on page 9

On Being Heard

Continued from page 8

to us so that we can count them and deliver them to your legislators. That is the only way we can gauge our effectiveness as an organization. It is important that we get lots of letters to the legislature as quickly as possible. *The more letters we deliver, the louder our voice in the legislature.*

Lambda Letters also issues e-mail alerts

urging people to write or call their legislators about a bill that is coming up for a vote. This allows us to respond more quickly to fast-breaking legislative events than is possible with our monthly newsletter. These e-mail alerts provide background on the bill, a sample letter, and the e-mail addresses of legislators who need to hear from you. Our e-mail alerts also provide sample letters you can send to editors of newspapers around the state. Legislators closely monitor those letters to get a feel for how people back home view the issues that legislators are dealing with.

Don't know who your legislators are? Call us at (916) 965-6851 and we'll tell you. Or visit our Web site and click on the button marked, "Find Out Who Represents You." Then click on California Senate and Assembly. Type your address into the dialog box and click the Find button. That will produce the names of your state senator and assemblymember. By clicking on their names you will go to their Web pages, which have their mailing addresses, e-mail addresses, and phone numbers. (By the way, when calling legislators, it's best to call their Sacramento offices. The district offices don't usually get involved in legislative matters.)

It's also valuable to write or call the members of committees when they are going to vote on a bill. Our Legislative Update shows the vote dates. Call us and we will tell you if your legislator is on the committee.

To find out who's on what Senate committee, go to the Legislative Update on our Web site. Click any bill number, scroll to the bottom of the page that appears, and click on the word "Committees." On the next page that appears, click on the word "Standing" on the left side of the page. You'll see a list of all the major committees in the Senate. Click on the name of a committee to see its members.

To find out who's on what Senate committee, follow the procedure above, except click on the word "Assembly" (instead of "Standing"). When the next page appears, click on the Go button. This will give you a list of Assembly committees. Click on a committee name to see its members. ###

Army Drops Discharge

Continued from page 1

performance as an officer in the United States Army," he said.

"The Army has tacitly recognized it never should have pursued May," said SLDN Executive Director C. Dixon Osburn. "The current law does not contemplate discharging elected officials for statements they have made as elected officials," Osburn said. "Nor does current law contemplate punishing soldiers for statements made as civilians or while in the inactive reserves. The Army has made the right decision to drop the case at long last," Osburn continued.

The Army has declined to provide an official reason for dropping the discharge action. The Secretary of the Army retains ultimate authority to accept or reject any proposed discharge recommendation.

The Army initiated discharge proceedings against May after learning about remarks he made about his sexual orientation during a debate on domestic partner health benefits for state employees in the Arizona State Legislature. At the time, he was on the inactive reserves. The Army called May back to duty after making his remarks and after winning reelection as an openly gay candidate for the state legislature, making his sexual orientation a matter of record at the time the Army called him to active duty. Lieutenant May served as Executive Officer of his reserve unit.

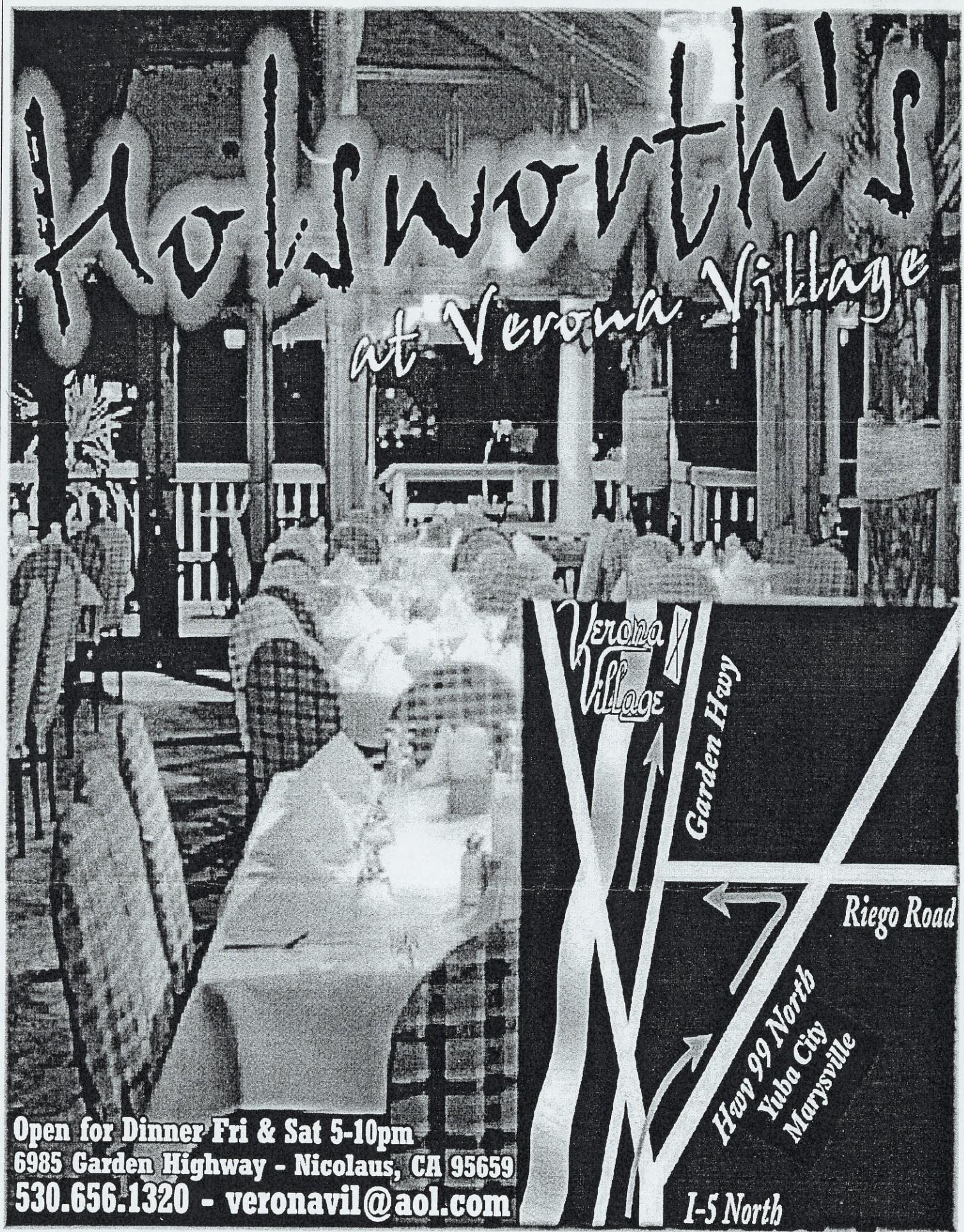
Lieutenant May has been hailed as an exemplary officer. In his recent evaluations, his superiors stated that May had "unlimited potential," even after the disclosure of his sexual orientation. In addition, May's fellow soldiers testified in September at his administrative discharge hearing that May's removal would hurt his unit's cohesion and morale.

SLDN provided legal assistance to May throughout his ordeal with the Army. May was also represented by Christopher Wolf of Proskauer Rose LLP.

Wolf responded to the Army's decision, saying, "It appears the Army finally realized that the 'Don't Ask, Don't Tell' policy should not be stretched beyond its intended scope."

You can learn more about the Servicemembers Legal Defense Network at their Web site: www.sldn.org. Phone: (202) 328-FAIR.

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